

CRR-1907-2011
Date of decision: 28.03.2025

...PETITIONER

STATE OF PUNJAB

...RESPONDENT

Present: Ms. Gurpreet Kaur, Advocate as *amicus curiae* for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. R.S. Athwal, Advocate for the complainant.

1. This revision petition has been preferred against the judgment dated 17.08.2011 passed by learned Additional Sessions Judge, Jalandhar vide which, judgment of conviction and order on quantum of sentence dated 24.02.2010 passed by learned Judicial Magistrate Ist Class, Jalandhar, have been upheld, qua the petitioner, in case stemming from FIR No.334 dated 24.06.2000 registered under Sections 326/324/323/506/427/34 of IPC at Police Station Lambra, Jalandhar have been upheld and the petitioner was sentenced as under :-

Offence under Section(s)	Sentence
326 IPC	RI for 02 years with a fine of Rs.500/-, in default of payment of fine, to undergo RI for 01 month.
324 IPC	RI for 01 year .
324/34 IPC	RI for 01 year .
It was ordered that all the sentences shall run concurrently.	

2. Brief facts of the present case are that on 24.06.2000, complainant Pal Singh got recorded his statement to the effect that he along with his wife was coming to their village Chitti, in his car. At about 8:30 AM,



when they reached near Lambra, Binder Singh @ Karion (petitioner herein), Manjit Singh @ Jitti both armed with *kirpan*, Makhan Singh armed with *datar* and Sucha Singh empty handed came in their tractor and stopped their passage and gave beatings to the complainant on various parts of his body. When complainant and his wife raised noise, two persons, namely, Harbans Singh and Sewa Ram came at the place of occurrence and the accused persons fled away from the spot. Hence, the FIR (*supra*) was registered.

3. The petitioner was convicted and sentenced vide judgment of conviction and order of sentence dated 24.02.2010 passed by learned trial Court, which have also been upheld by learned lower Appellate Court vide judgment dated 17.08.2011.

4. Learned *amicus curiae* for the petitioner *inter alia* contends the injury, on the basis of which, the petitioner has been convicted, is on the finger of right hand of the complainant, the nature and extent of which clearly indicates that it is a self-suffered injury. Further, the learned Courts below have fallen into grave error by convicting the petitioner, only on the basis of the fact that the aforementioned injury has been declared grievous in nature and there is a delay of 18 hours in registration of FIR (*supra*). Furthermore, the case set up by the prosecution is highly improbable, as per the allegation that the injury was inflicted by the injured, who was sitting in the car. Lastly, she submits that as per his custody certificate, the petitioner has undergone actual period of 27 days, out of total sentence of two years, awarded by learned trial Court and is not involved in any other case.

5. *Per contra*, learned State counsel opposes the prayer of the petitioner as learned trial Court has passed a well-reasoned judgment based on



correct appreciation of evidence available on record, which has also been upheld by the learned lower Appellate Court and as such, he does not deserve any leniency.

6. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that the petitioner was convicted under Sections 326/324/34 IPC and as per his custody certificate, he has already undergone an actual period of 27 days, out of total sentence of two years, in the instant case. The petitioner is not involved in any other case.

7. In ***Deo Narain Mandal v. State of UP (2004) 7 SCC 257***, a Three Judge Bench of the Hon'ble Supreme Court has opined that awarding of sentence is not a mere formality in criminal cases. When a minimum and maximum term is prescribed by the statute with regard to the period of sentence, a discretionary element is vested in the Court. Background of each case, which includes factors like gravity of the offence, manner in which the offence is committed, age of the accused, should be considered while determining the quantum of sentence and this discretion is not to be used arbitrarily or whimsically. After assessing all relevant factors, proper sentence should be awarded bearing in mind the principle of proportionality to ensure the sentence is neither excessively harsh nor does it come across as lenient.

8. Further, a two Judge Bench of the Hon'ble Supreme Court in ***Ravada Sasikala v. State of AP AIR 2017 SC 1166***, has reiterated that the imposition of sentence also serves a social purpose as it acts as a deterrent by making the accused realise the damage caused not only to the victim but also to the society at large. The law in this regard is well settled that opportunities of reformation must be granted and such discretion is to be exercised by



evaluating all attending circumstances of each case by noticing the nature of the crime, the manner in which the crime was committed and the conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

9. A perusal of the judgment of conviction passed by the learned trial Court indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. However, the FIR (*supra*) was lodged on 24.06.2000 and the petitioner has been suffering the agony of trial for last more than 24 years. Since his conviction, he has grown into a law-abiding citizen and desires to live a peaceful life.

10. Accordingly, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the petitioner is reduced to the period already undergone by him.

11. Consequently, the present petition is disposed of and the judgment dated 17.08.2011 passed by the learned Additional Sessions Judge, Jalandhar, affirming the judgment of conviction is upheld, however, the order of sentence dated 24.02.2010 is modified to the extent that the sentence of rigorous imprisonment for two years and a fine of Rs.500/- along with default mechanism awarded to the petitioner is reduced to the period of sentence already undergone by him.

12. The High Court Legal Services Authority is directed to pay remuneration to the learned *Amicus Curiae* as per rules.

March 28, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No